

UNITED STATES
PATENT AND TRADEMARK OFFICE

A blurred background image showing a close-up of a person's face, likely a woman, with a red starburst graphic near her eye. The image is out of focus, creating a soft, artistic effect.

Patent Quality Chat: The Post-Prosecution Pilot: A New After Final Collaboration Program

Patent Quality Chat
Webinar Series 2016 (9 of 11)
August 9, 2016



To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov



3

A screenshot of the USPTO website. The header includes the USPTO logo, navigation links for "About Us", "Careers", and "Contact Us", and a search bar. The main navigation menu has "Patents", "Trademarks", and "Learning and Resources". A large blue banner features the text "First time here? Let us help you find your bearings." and a "Get Going" button. Below the banner, there are sections for "Learn About the Process" with sub-sections for "Patents" (General Information Concerning Patents) and "Trademarks" (Trademark Basics). A red circle highlights the "Patents & Trademarks Initiatives" section, specifically the "Enhanced Patent Quality Initiative" link, which includes the text "Learn about USPTO efforts to increase patent quality." The USPTO logo is visible in the bottom right corner of the page.

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

About Us | Careers | Contact Us

Search uspto.gov

Patents Trademarks Learning and Resources Quick Links

First time here? Let us help you find your bearings.

Has your invention already been patented at the USPTO?

New to Trademarks?

First time here? Let us help you find your bearings.

Learn how patents, trademarks, and copyrights differ and other basic information to get started.

Get Going

Patents & Trademarks Initiatives

Enhanced Patent Quality Initiative

Learn about USPTO efforts to increase patent quality.

Learn About the Process

Patents

General Information Concerning Patents

Trademarks

Trademark Basics

Learn about trademarks and find out

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

Email questions to **PatentQualityEventParticipationBox@uspto.gov**

4

Home / Patents / Enhanced Patent Quality Initiative Share | Print

Enhanced Patent Quality Initiative



High-quality patents enable certainty and clarity of rights, which fuels innovation and reduces needless litigation. To ensure we continue issuing high-quality patents well into the future, we established the **Enhanced Patent Quality Initiative (EPQI)**. We are strengthening work products, processes, services, and how we measure patent quality at all stages of the patent process.

2016 Patent Quality Chats
NEXT: August 9, 12-1 pm ET

Post-Prosecution Pilot
After final pilot program aimed at reducing the number of issues taken up on appeal.

Updates 

- **Post-Prosecution Pilot (P3)**, which launched on July 11th, explores a new after final program that combines features of the Pre-Appeal Brief Conference and After Final Consideration 2.0 pilot programs and adds in new features requested by our stakeholders. For more information, please visit the [P3 webpage](#).
- The **Post Grant Outcomes** Program launched a pilot aimed at putting related AIA trial proceedings, including their prior art, in front of the examiners of pending related applications. More information is on the [Pilot webpage](#).

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto 5

Email questions to PatentQualityEventParticipationBox@uspto.gov

Patent Quality Chat: The Post-Prosecution Pilot: A New After Final Collaboration Program

Tariq Hafiz
Director, Technology Center 2600

Jerry Lorengo
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE
uspto 6

Email questions to PatentQualityEventParticipationBox@uspto.gov

Introduction to the Post-Prosecution Pilot (P3)



- Advanced as a program of the Enhanced Patent Quality Initiative (EPQI) under Pillar 3, Excellence in Customer Service
- Developed to test its impact on enhancing patent practice during the period subsequent to final rejection and prior to the filing of a notice of appeal



Email questions to PatentQualityEventParticipationBox@uspto.gov

7

Overview of the Post-Prosecution Pilot (P3)

- Retains popular features of the Pre-appeal Brief Conference Pilot and After Final Consideration Pilot (AFCP) 2.0 programs:
 - Consideration of 5-pages of arguments after final
 - Consideration of non-broadening claim amendments after final
- Adds requested features:
 - Presentation of arguments to a panel of examiners
 - Explanation of the panel's recommendation in a written decision after the panel confers



Email questions to PatentQualityEventParticipationBox@uspto.gov

8

Post-Prosecution Pilot (P3) Begins

- Federal Register Notice (81 FR 44845) July 2016
- Pilot began July 11, 2016
- Runs six (6) months or upon receipt of 1,600 compliant requests, whichever occurs first
 - 200 per Technology Center
- Formal comments about P3 will be received through November 14, 2016 at AfterFinalPractice@uspto.gov



Email questions to PatentQualityEventParticipationBox@uspto.gov

9

P3 Pilot Participation

Open to nonprovisional and international utility applications filed under 35 USC 111(a) or 35 USC 371 that are under final rejection.

The following are required for pilot entry:

- A **request**, such as in **PTO/SB/444**, must be filed via EFS-Web
 - within 2 months of the mail date of the final rejection and prior to filing notice of appeal
- A **statement** that applicant is willing and available to participate in P3 conference with the panel of examiners
- A **response** comprising no more than five (5) page of arguments under 37 CFR 1.116 to the outstanding final rejection, exclusive of any amendments
- Optionally, a proposed non-broadening amendment to one (1) or more claim(s)



Email questions to PatentQualityEventParticipationBox@uspto.gov

10

P3 Pilot Requirements

- No fee to participate
- No previously filed proper request to participate in the Pre-Appeal or AFCP 2.0 programs to the same outstanding final rejection
- Once a P3 request has been accepted:
 - no additional response(s) under 37 CFR 1.116 will be entered unless requested by examiner
 - impermissible to request participation in Pre-Appeal or AFCP 2.0 programs once a P3 request has been accepted



Email questions to PatentQualityEventParticipationBox@uspto.gov

11

P3 Pilot Compliance

For requests considered timely and compliant, the Office will enter the application into the pilot process.

For requests considered untimely or otherwise non-compliant (or if filed after the technology center has reached its limit):

- The Office will treat the request as in the same manner it would treat any after final response absent the P3 request.
 - No conference will be held.
- The next communication issued by the Office will indicate:
 - the reason why the P3 request was found to be untimely or otherwise non-compliant;
 - the result of the treatment under 37 CFR 1.116 of the response and any proposed amendment; and
 - the time period for the applicant to take further action.



Email questions to PatentQualityEventParticipationBox@uspto.gov

12

P3 Pilot Process

1. The Office will contact the applicant to schedule the P3 conference.
2. The applicant will make an oral presentation to the panel of examiners with such participating being limited to 20 minutes.
3. The applicant will be informed of the panel's decision, in writing, following complete consideration of the P3 request.



Email questions to PatentQualityEventParticipationBox@uspto.gov

13

P3 Pilot Notice of Decision

Applicant will be informed, in writing via a Notice of Decision from Post-Prosecution Pilot Program (P3) Conference (PTO-2324), as to the outcome of the conference.

Three possible outcomes are:

- A. Final Rejection Upheld
 - The status of any proposed amendment(s) will be communicated
 - The time period for taking further action will be noted
- B. Allowable Application
- C. Reopen Prosecution



All of the above outcomes will include an Explanation of Decision 

Email questions to PatentQualityEventParticipationBox@uspto.gov

14

P3 Pilot – Looking Ahead

- ❖ Consider:
 - Internal and external survey results
 - Formal Comments from FR Notice
 - Stakeholder feedback about the program from other sources
- ❖ Decide:
 - Whether or not to continue the program, optionally with modifications



Email questions to PatentQualityEventParticipationBox@uspto.gov

15

For More Information on P3

- Visit our website:
 - <http://www.uspto.gov/patent/initiatives/post-prosecution-pilot>
 - Program details and forms
 - Examiner training materials
 - FAQs
- Contact us by email:
 - PostProsecutionPilot@uspto.gov



Email questions to PatentQualityEventParticipationBox@uspto.gov

16

Let's Chat about the Post-Prosecution Pilot (P3) Program

Tariq Hafiz

Director, Technology Center 2600

Jerry Lorengo

Director, Technology Center 1600



Email questions to PatentQualityEventParticipationBox@uspto.gov

17

Thank you for joining us today!

Patent Quality Chat

Webinar Series 2016 (9 of 11)

August 9, 2016



18

**Next Patent Quality Chat:
Tuesday, September 13th
Future Information Disclosure Practice in a
Global Dossier Environment**



19

